

ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FEB 27 2006

at 10 o'clock and 45 min. AM  
SUE BEITIA, CLERK

Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

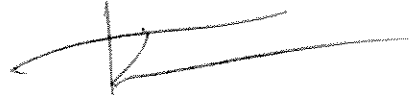
UNITED STATES OF AMERICA,	)	CR. NO. 05-00261 HG
	)	
Plaintiff,	)	NOTICE OF MOTION; MOTION
	)	TO DISMISS INDICTMENT OR TO
vs.	)	EXCLUDE TESTIMONY OF
	)	CATHERINE SYMONDS;
JAMES TROIANO, (01)	)	MEMORANDUM OF LAW IN
	)	SUPPORT OF MOTION;
Defendant.	)	CERTIFICATE OF SERVICE
	)	
	)	Date: March 17, 2006
	)	Time: 8:30 a.m.
	)	Judge: HELEN GILLMOR
	)	

NOTICE OF MOTION

TO: CLAIRE CONNORS  
Assistant United States Attorney  
Room 6100, PJKK Federal Building  
300 Ala Moana Blvd.  
Honolulu, Hawaii 96850

PLEASE TAKE NOTICE that the following motion will be heard before the Honorable Judge Helen Gillmor in her courtroom in the United States Courthouse, 300 Ala Moana Boulevard, on March 17, 2006 at 9:00 a.m.

DATED: Honolulu, Hawaii February 27, 2006.

A handwritten signature in black ink, appearing to read 'TODD EDDINS', written over a horizontal line.

TODD EDDINS  
Attorney for Defendant James Troiano

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Attorney for Defendant James Troiano

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00261 HG
	)	
Plaintiff,	)	MOTION TO DISMISS
	)	INDICTMENT OR TO EXCLUDE
vs.	)	TESTIMONY OF CATHERINE
	)	SYMONDS
JAMES TROIANO,	)	
	)	
Defendant.	)	
	)	
	)	

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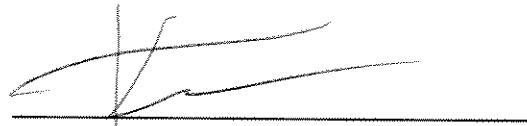
MOTION TO DISMISS INDICTMENT OR TO EXCLUDE TESTIMONY OF  
CATHERINE SYMONDS

Defendant No. 01 JAMES TROIANO (Troiano), by and through his counsel, Todd Eddins, hereby moves this Honorable Court for an order dismissing the Indictment or, in the alternative, excluding the testimony of Catherine Symonds, Troiano's ex-wife, because confidential information and matters at a sealed courtroom hearing on August 8, 2005 were disclosed to Ms. Symonds two

days after the hearing

This motion is based on Federal Rules of Criminal Procedure Rules 12 and 47, FRE Rule 602, the Due Process Clause of the Fifth Amendment to the United States Constitution, the attached Memorandum of Law in Support of Motion, and any evidence and argument by counsel at the hearing on the motion.

DATED: Honolulu, Hawaii: February 27, 2006

A handwritten signature in black ink, appearing to read 'Todd Eddins', is written over a horizontal line.

Todd Eddins  
Attorney for Defendant James Troiano